

REMARKS

Summary of Office Action

Claims 14 and 28 stand rejected under §102(e) as allegedly being anticipated by Yamazaki et al. (US Pub. No. 2003/0027369 A1).

Claims 30 and 32 stand rejected under §103(a) as allegedly being unpatentable over Yamazaki et al. in view of Zucker et al. (US Pat. No. 6,218,682 B1).

Claims 30 and 32 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yamazaki et al. in view of Numata et al. (US Pat. No. 5,811,352).

Claims 29 and 31 stand objected to as being dependent upon a rejected base claim, but are indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-13, 15-27, and 33-36 are allowed.

Summary of Amendment

None of the claims have been amended at this time. Claims 1-36 are currently pending for consideration.

Allowable Subject Matter

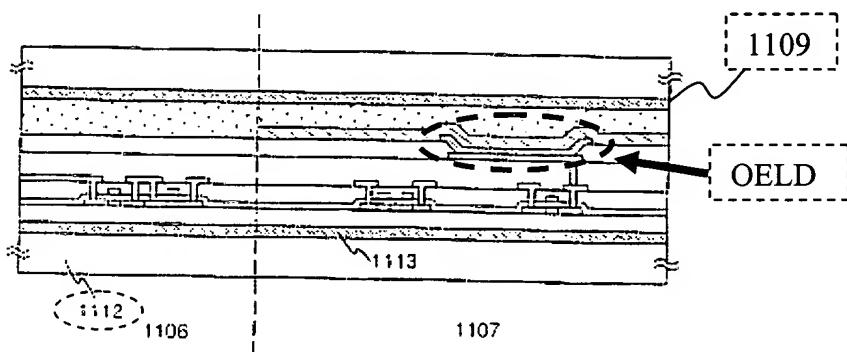
Applicant thanks the Examiner for the allowance of claims 1-13, 15-27, and 33-36 and the indication of allowable subject matter in claims 29 and 31. Applicant believes the rest of the claims are allowable for the reasons stated below. Hence, claims 29 and 31 have not been rewritten in independent form at this time.

All Claims Comply With §102 and §103

The previous rejections of claims 14, 28, 30, and 32 have been maintained. In particular, claims 14 and 28 stand rejected under §102(e) as allegedly being anticipated by Yamazaki et al. Claims 30 and 32 stand rejected under §103(a) as allegedly being unpatentable over Yamazaki et al. in view of Zucker et al. Claims 30 and 32 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yamazaki et al. in view of Numata et al. Applicant traverses these rejections based on the following remarks.

Claim 14 recites, in part, “at least one low refractive thin film formed on the substrate” and “an organic electro luminescence diode formed on the low refractive thin film.” Similarly, claim 28 recites, in part, the steps of “forming at least one low refractive thin film on a substrate” and “forming an organic electro luminescence diode on the low refractive thin film.” The rejection is based on the construction that layer 1109 of Yamazaki et al. is the “low refractive thin film” and layer 1112 is the “substrate.” For convenience, FIG. 5B of Yamazaki et al. is reproduced and annotated below.

FIG. 5B



The rejections of claims 14, 28, 30, and 32 have been maintained on the premise that “[t]he use of the word ‘on’ by itself does not necessarily mean direct contact between two

objects or layers in the semiconductor art. The word ‘on’ by itself could mean that there may possibly be one or several layers between the two objects or layers to which the word ‘on’ is referring.” (OA: p. 2, ¶ 1.)

Applicant respectfully submits that this reasoning is inapposite to the arguments presented in the previous response. That is to say, whether “on” suggests a direct contact between the recited elements or not is irrelevant with respect to independent claims 14 and 28. More specifically, using the claim construction alleged in the Office Action, Yamazaki et al. shows a structure in which the alleged low refractive film 1109 is formed on the OELD.

By contrast, claim 14 recites, in part, “an organic electro luminescence diode formed on the low refractive thin film” and claim 28 recites, in part, the steps of “forming an organic electro luminescence diode on the low refractive thin film.” If the rejection of claims 14 and 28 are to be maintained, Applicant respectfully requests clarification as to how the structure of Yamazaki et al. is being construed to allege that the OELD is formed on the low refractive layer 1109 when the low refractive layer 1109 is formed on both the OELD and the substrate 1112 (i.e., the OELD is formed between the substrate 1112 and the low refractive layer 1109).

For at least the reasons stated above, Yamazaki et al. fails to anticipate independent claims 14 and 28. Claims 30 and 32 depend from claims 14 and 28, respectively. Moreover, Zucker et al. and Numata et al. both fail to cure the deficiencies of Yamazaki et al. described above. Accordingly, Yamazaki et al., Zucker et al., and Numata et al., whether taken individually or in combination, fail to teach or suggest all the features of claims 30 and 32 for at least the reasons stated above. Therefore, Applicant respectfully requests that the § 102 and § 103

rejections be withdrawn.

CONCLUSION

In view of the foregoing, reconsideration and timely allowance of the pending claims are respectfully requested. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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